

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ESTEBAN ALFARO-HUITRON,
ELEAZAR GARCIA-MATA,
JOSE ANTONIO GARCIA-MATA,
JUAN GUZMAN, JOSE GERARDO JASSO,
RAUL JASSO-CERDA, ISMAEL MARTINEZ
GONZALEZ, ENRIQUE ROJAS-TORRES,
LAZARO ROJAS-TORRES,
TRINIDAD SANTOYO-GARCIA,
PEDRO TAMEZ, ANGELA TREJO,
EFRAIN TREJO, SANTOS TREJO,
and YANETH TREJO,

Plaintiffs,

v.

CV 15-210 JCH/WPL

WKI OUTSOURCING SOLUTIONS, LLC;
JAIME CAMPOS; CERVANTES AGRIBUSINESS;
CERVANTES ENTERPRISES, INC.;
RJF FARMS, INC.; RONNIE J. FRANZOY;
TEIRRA DE DIOS FARMS, LLC;
LACK FARMS, INC.; and SKYLINE PRODUCE, LLC,

Defendants.

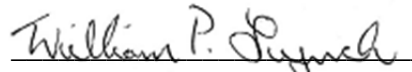
ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL

The Plaintiffs filed a motion to compel discovery responses from Defendant Jaime Campos. (Doc. 139.) The Plaintiffs served written discovery requests on Campos on October 31, 2014. (*Id.* at Ex. 1.) Campos requested several extensions. The parties eventually agreed that Campos would respond to the discovery requests no later than September 28, 2015. (*Id.* at Ex. 2.) Campos did not respond. By failing to respond to the motion to compel, Campos has consented to my granting the Plaintiffs' motion to compel. D.N.M.LR-Civ. 7.1(b).

Campos is reminded that he has waived any objections by failing to respond to the Plaintiffs' interrogatories and requests for production in a timely manner. FED. R. CIV. P. 33(b)(4); *see Cargill, Inc. v. Ron Burge Trucking, Inc.*, 284 F.R.D. 421, 424 (D. Minn. 2012) (adopting the Rule 33(b)(4) waiver into Rule 34); *Horace Mann Ins. Co. v. Nationwide Mut. Ins. Co.*, 238 F.R.D. 536, 538 (D. Conn. 2006) ("courts have reasoned that Rule 33(b)(4) type waiver should be implied into all rules involving the use of the various discovery mechanisms"). By failing to respond in a timely fashion, Campos has admitted each of the items in the Plaintiffs' requests for admission. FED. R. CIV. P. 36(a)(3).

Campos will provide complete answers to all interrogatories and provide all documents responsive to the requests for production no later than **November 30, 2015**. Failure to comply with this Order may have serious consequences, up to and including a default judgment in favor of the Plaintiffs or the institution of contempt proceedings.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.